

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 18-00325-01/08-CR-W-BCW
)
JACOB WALSH,)
)
Defendant.)

**MOTION TO CONTINUE TRIAL SETTING
WITH SUGGESTIONS IN SUPPORT**

Defendant, Jacob Walsh, by and through counsel, in accordance with Rule 47, Fed. R. Crim. P., and Rule 7.1 (b) and (c) of the Local Rules of Procedure for the United States District Court for the Western District of Missouri, hereby moves the Court pursuant to 18 U.S.C. §3161(h)(8)(A) and (B) to remove this case from the Accelerated Joint Criminal Trial Docket scheduled to commence June 1, 2020, and continue the case to the Accelerated Joint Criminal Trial Docket scheduled to commence November 30, 2020.

SUGGESTIONS IN SUPPORT

In support of this Motion, Defendant states as follows:

1. On November 14, 2018, the Grand Jury returned an indictment charging eight defendants with Conspiracy to Distribute Methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A) and 846; Conspiracy to Commit Money Laundering in violation of 18 U.S.C. § 1956(a)(1)(A)(i), (B)(i), (ii), and (h); defendants Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo and Maria De La Cruz Nava with Possessing Firearms and Drug Trafficking, in violation of 18 U.S.C. § 924(c)(1)(A)(i); and defendant Guzman with Illegal Re-Entry, in violation of 8 U.S.C. § 1326(a) and (b)(1) and 6 U.S.C. §§ 202(3), 202(4), and 557.

3. On February 13, 2019, Jacob Walsh was arraigned, detained and remanded to the custody the United States Marshal. The case was set for trial commencing on the August 19, 2019 joint criminal jury trial docket. (Doc. 51)

4. On April 12, 2019, this case was continued by motion of co-defendant Chanthachone Senthavy and set on the joint criminal jury trial docket to commence on September 23, 2019. (Doc. 88)

5. Due to new appointment of counsel, adequate time necessary for preparation, exchange of discovery and to assure the most appropriate administration of justice, this case was continued to the June 1, 2020 docket. (Doc. 116)

6. Given the General Order of the Court as modified April 20, 2020, addressing the public health concerns, and court procedures adopted in support of public health safety amid the Covid-19 pandemic; the present status of the public health procedures and societal implications thereof; as well as the medical science professionals who recommend physical distancing protocols, a continuance of this case from the June 1, 2020 joint criminal jury trial docket serves the best of interest of public health and safety.

7. The Government and counsel have conferred regarding this request for a continuance. The Government does not object, however, is not available for the September 2020 docket.

8. Defendants John Paul Gnat; Luis Carlos Ramos Caraveo, Shelby Lanae Peterman, Christopher Sharp and Jacob Walsh consent to a continuance and agree that a setting on the Accelerated Joint Criminal Jury Trial Docket after October 2020 accommodates the schedules of counsel. To that end, counsel requests that this Court set the trial for all defendants on the November 30, 2020 docket.

9. Counsel for Juan Guzman, Maria De La Cruz Nava and Chanthachone Senthavy indicate that their clients object to this request for continuance.

10. Despite his client's objection, counsel for defendant Senthavy is not available for the October 2020 docket.

11. Counsel submits that this continuance is not sought for the purpose of delay, but will ensure that all defendants are afforded due process of law under the Fifth Amendment, effective assistance of counsel under the Sixth Amendment to the U.S. Constitution and sufficient time to meet and confer with their clients at the expiration of the Court's General Order. Counsel submits that these reasons outweigh the interest of the public and defendant's right to a speedy trial under 18 U.S.C. § 3161(c)(1).

12. The delay in trial resulting from this motion should be excluded in computing the period of time within which defendant should be brought to trial under the Speedy Trial Act.

WHEREFORE, Defendant Jacob Walsh, individually, and on behalf of all Defendants similarly situated, prays this Court remove this case from the Accelerated Joint Criminal Trial Docket scheduled to commence June 1, 2020 and to continue the case until the Accelerated Joint Criminal Trial Docket scheduled to commence November 30, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on April 25, 2020, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Katrina Y. Robertson
Katrina Y. Robertson MBN 61289